



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
University Club Building
136 East South Temple
Salt Lake City, Utah 84111

M/027/006

IN REPLY REFER T

2800
U-43199
(U-942)

DECISION

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:
:Right-of-Way GrantedDetails of Grant

RECEIVED

NOV 25 1992

DIVISION OF
OIL GAS & MINING

Serial number of grant:

Utah 43199

Name of Grantee:

Continental Lime, Inc.
268 West 400 South
Salt Lake City, Utah 84101

Map showing the location
and dimensions of grant

Topographic Map for
T. 21 & 22 S., R. 9 & 10 W., SLM, Utah

Map designations:

Date filed:

September 20, 1979

Permitted use by grantee:

Haulage and Access Road
80 Feet Wide

Authority for grant:

Title V of the Federal Land Policy
and Management Act of October 21, 1976
(90 Stat. 2776; 43 U.S.C. 1761)

Date of grant:

OCT 20, 1979

Expiration date of grant:

OCT 20, 2009

Rental

Amount:

\$300 Rental Deposit

When payable by grantee:

Subject to a Formal Appraisal

Terms and conditions of the grant are set forth on the
following pages.



Terms and Conditions of Right-of-Way Grant

Serial Number U-43199

Pursuant to the authority vested in the undersigned by Order No. 701 of the Director, Bureau of Land Management, dated July 23, 1964, (29 F.R. 10526), and amended and redelegated, a right-of-way, bearing the above referenced serial number, is hereby granted, subject to the following terms and conditions:

1. Applicable regulations in 43 CFR, Subpart 2801, 2802, 43 CFR Part 17, and all valid rights existing on the date of the grant.
2. Proof of Construction--To be submitted upon completion of construction or not later than 5 years from approval of right-of-way.
3. Any other or subsequent use by Grantee or others of lands or facilities granted under this right-of-way must be authorized by this office.
4. Equal Opportunity Clause--This grant is subject to provisions of Executive Order No. 11246 of September 24, 1965, and the attached "Equal Opportunity Clause" is made a part of the grant.
5. There is hereby reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
6. This right-of-way may be renewed. If renewed the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.
7. Indemnification of the United States--The Grantee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of BLM administered lands under this right-of-way.
8. The Grantee will notify the BLM District Manager 5 days in advance of his intent to commence any field operations associated with this right-of-way grant.
9. The right-of-way shall be limited to 80 feet wide, 40 feet on either side of a center line.
10. This right-of-way grant is a non-exclusive license to construct and use roads located upon lands of the United States. Such roads are to be constructed to the standards, located as described, and used for the purposes that are set forth herein. The Authorized Officer, Bureau of Land Management, may issue other rights-of-way for the use of the roads constructed and used pursuant to this right-of-way grant, subject to such reasonable rules and conditions as said officer may determine to be appropriate. Pro rata road maintenance expense will be paid by all subsequent Grantees. Any further supplemental agreements pertaining to road use rules or changes between the Grantee that constructed or improved the road and subsequent Grantees must have the written approval of the Authorized Officer, Bureau of Land Management. This right-of-way grant may be cancelled pursuant to 43 CFR 2802.2-3.

11. Unless authorized in writing by the Authorized Officer, travel is restricted to the right-of-way and existing public roads.
12. Improvements --Disturbance of improvements such as fences, roads, watering facilities, etc., encountered during the construction and maintenance of the right-of-way must be kept to an absolute minimum. The Grantee is required to immediately restore any damaged improvements to at least their former state. Functional use of these improvements must be maintained at all times. When necessary to pass through a fence line, the fence must be braced on both sides of the passageway prior to cutting of the fence. Four inch timbers or larger must be used for the bracing timber. A gate acceptable to the District Manager must be installed in the gate opening and kept closed when not in actual use. Where a permanent road is to be constructed or maintained, cattleguards will be placed at all fence crossings. Existing cattleguards shall be replaced where necessary with new cattleguards that can accommodate heavy ore truck traffic without structural damage.
13. Historical and Archeological Values--The Grantee will be particularly alert in construction operations to take all reasonable and necessary precautions to protect and preserve historic or prehistoric ruins and artifacts on or adjacent to the right-of-way. Should such sites, ruins or artifacts be discovered during construction, the Grantee will immediately suspend construction work involving the area in question and advise BLM's District Manager of the suspected values. The District Manager will promptly have the area inspected to determine significance of the values and appropriate action to follow (salvage, etc., and resumption of construction). Cost of any salvage work will be borne by the Grantee. All objects of antiquity salvaged from public lands are the property of the United States Government and will be turned over to the BLM.
14. Protection of wild horses, game and non-game wildlife species--The Grantee will comply with existing Federal, State and County laws as concerned with the protection and preservation of wild horses, wild burros, raptors, game and non-game wildlife species.
15. The Grantee will comply with all Federal and State laws and regulations pertaining to water quality, public health and public safety.
16. The Grantee shall not restrict the use of the road for public access to lands administered by the United States for recreational and wildlife purposes or any other lawful purposes as long as such use does not unreasonably interfere with the use by the Grantee.
17. Grantee will be responsible for prevention and suppression of all uncontrolled fires that are caused by burning right-of-way debris and vegetative material. Grantee will be billed by the Bureau of Land Management for fire suppression and fire rehabilitation cost resulting from uncontrolled burning of right-of-way material.

18. The Grantee shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this grant. The Grantee shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1979, deadline for a fiscal year 1981 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitation. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

19. Grantee shall construct and maintain right-of-way facilities and structures in strict conformity with the descriptive and technical data which it has heretofore furnished the Bureau of Land Management in connection with its application. Construction or maintenance activities which are not in accord with such data may not be initiated without the prior written approval of the Authorized Officer. Approval of variances will not be given unless the need therefor is fully justified by Grantee.

20. All vehicles operating upon the right-of-way granted herein, shall be maintained in a good and safe operating condition and shall be operated in compliance with all State motor vehicle regulations where applicable.

21. Before construction may commence, Grantee shall designate a representative for field operations who shall be the sole representative of Grantee and Grantee's contractors in dealings with the Authorized Officer.

22. Clearing from the right-of-way will be limited to the extent and manner directed by the Authorized Officer.

23. Any deviation from the original approved road standards, design, and location will be subject to the written approval of the Authorized Officer, Bureau of Land Management.

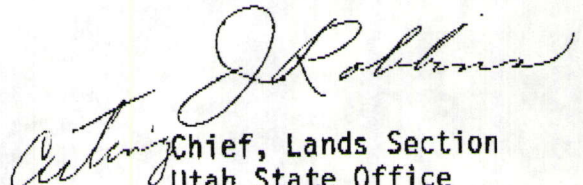
24. Road signing for safety, traffic speeds or similar items, where appropriate will be done under the guidance and with the specific permission of the Authorized Officer, Bureau of Land Management.

25. Within 30 days after conclusion of construction operations, all construction materials and related litter and debris, including vegetative cover accumulated through land clearing, will be disposed of in accordance with instructions of the Authorized Officer.

26. Upon the expiration or other termination of the Grantee's rights, the land involved in this right-of-way grant will be restored by the Grantee as nearly as possible to its original condition. Such restoration may be waived by the Authorized Officer upon his determination that the road is necessary for public access or for use by the United States. In the absence of an agreement to the contrary, the Grantee will be allowed six months in which to remove or otherwise dispose of all his property or improvements on the right-of-way, other than the road and usable improvements to the road. If not removed within this period, all such property and improvements shall become the property of the United States.

27. The Grantee will maintain said road in a condition satisfactory to the Authorized Officer. In the event of third party use, the Grantee will submit to the Authorized Officer for approval a written maintenance agreement, including, but not limited to reasonable maintenance fees, maintenance work, or materials furnished in lieu thereof and the designation of the part that is responsible for maintaining the road.

28. When all development and rehabilitation have been completed, a joint compliance check of the right-of-way will be made by the Grantee and the Authorized Officer or his designated representative to determine compliance with the terms and conditions of this grant. Grantee will perform at his own expense any required modifications or additional reclamation work needed to comply with the terms of this grant.


Chief, Lands Section
Utah State Office
Bureau of Land Management

Enclosures
Survey Map
Form 1140-2
USO 2800-7

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